IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK et. al.,

Plaintiffs,

Plaintiffs,

Ocurt by 1/13/21 at 5:00 p.m. the date by which it will be able to inform Plaintiffs and the Court of the EPA's determination of the effect, if any, of the error on the 2020 Rule.

V.

SO ORDERED.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY et. al.,

Defendants.

LEWIS J. LIMAN United States District Judge

The Government is directed to inform the

1/12/2021

NOTICE OF MOTION TO CLARIFY JANUARY 8, 2021 ORDER

PLEASE TAKE NOTICE that, pursuant to Local Rule 7.1(a) and Fed. R. Civ. P 7(b), Plaintiffs Rural & Migrant Ministry et al. move this Court to provide clarification of the Court's January 8, 2021 Order extending the TRO and stay previously granted and rescheduling a hearing on the issues, Dkt. No. 19. The Court issued this Order in response to a letter from Defendants in which they conceded "an error in certain information underlying the rule at issue" and requested additional time to "consider[] the issue and determin[e] its effect, if any, on the 2020 Rule." Dkt. No. 17 at 1. The Court's Order requires Defendants to take certain actions in relation to this error by January 15, 2021, and by January 19, 2021. Due to a disagreement between the parties about what these deadlines require of Defendants, Plaintiffs respectfully request that the Court clarify whether the January 8, 2021 Order requires Defendants to disclose their determination of the effect of their error on the rule at issue on January 15 or January 19. Counsel for Plaintiffs have been conferring with counsel for Defendants on the issues raised in this Motion. At the time of this filing, Defendants did not yet have a position on these issues.

Dated: January 12, 2021

Respectfully submitted,

/s/ Carrie Apfel
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